

## **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION  
-----X

Master File C.A. No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

**This document relates to the following case:**  
*American Distilling & Mfg. Co., Inc. v. Amerada*  
*Hess Corp., et al.*, No. 04-cv-1719  
-----X

**STIPULATION AND ORDER OF DISMISSAL UNDER FED. R. CIV. P. 41**

The Plaintiff and the Settling Defendants Lyondell Chemical Company and Equistar Chemicals, LP (the "Lyondell Defendants") (collectively, the "Parties") have advised the Court that they have resolved the matters between them and agreed to the entry of this Stipulation and Order of Dismissal of the claims against the Lyondell Defendants as indicated by the signature of the respective counsel below. This Court finds that this Stipulated Order of Dismissal should be entered, with the findings included below:

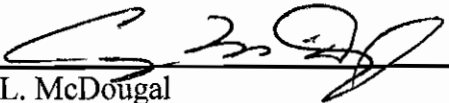
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. This Court has jurisdiction over the Parties to this Stipulation and over the subject matter of this action. The Parties to this Stipulation have advised the Court of their agreement to settle this matter pursuant to a Settlement Agreement, a Release, and this Stipulated Order of Dismissal.
2. The Parties to this Stipulation consent to the dismissal of this action as to the Lyondell Defendants only, including all claims and counterclaims, with prejudice.
3. Each party shall bear its own costs and attorneys' fees.

AGREED TO AND ACCEPTED BY:

Dated: June 15, 2009

Dated: June 17, 2009



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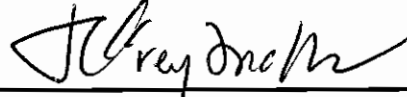
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*Attorneys for Defendants,  
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SO ORDERED:

Dated: \_\_\_\_\_ 2009

\_\_\_\_\_  
The Honorable Shira A. Scheindlin  
United States District Judge